

DEPARTMENT OF FINANCE AND ADMINISTRATION
Administrative Memorandums

300.3.2 **TITLE:** Uniform Grievance and Alternative Dispute Resolution Policy
ISSUING OFFICE: Administrative Services (Page 1 of 3 pages)
DISTRIBUTION THROUGH: All DFA Employees (LEVEL)
DATE ISSUED/REVISED: 10/2/00 **REPLACES:** 300.3.2 **DATED:** 8/1/95

Purpose

This grievance procedure is established to provide employees with a prompt review, impartial consideration, and equitable disposition of their grievances. Any employee who presents a grievance or complaint in good faith and in a reasonable manner will be free from restraint, interference, discrimination, or reprisal.

This procedure is intended to encourage employees to discuss problems with their supervisor, thereby providing a basis to talk over matters of mutual interest, to explain, to reach agreement, to make adjustments if necessary, and to foster better understanding between employees and supervisors. Such discussion will lead to better employee/supervisor understanding of policies, procedures, and practices.

The Alternative Dispute Resolution (ADR) or Mediation component of this procedure is provided to promote collaborative problem solving. The mediation process may be utilized for resolution of any work-related disputes, which include issues that may not necessarily be defined as grievance issues.

Policy

It is the policy of this agency that all employees be given the opportunity to resolve complaints or grievances which they believe adversely affect their employment or working conditions. This opportunity is provided through established steps and procedures to ensure fair resolution within a reasonable time frame.

It is also our policy that reasonable efforts be made to settle complaints or grievances as quickly as possible. Direct contact between supervisor and employee has always been a policy of this agency. These Grievance and ADR Procedures are not intended, nor will they be allowed, to become a barrier to the supervisor/employee relationship.

Employees should submit only grievances or complaints that meet the following criteria:

- 1) made in good faith
- 2) expressed in reasonable terms
- 3) include causes for the grievance
- 4) include corrective action desired, and
- 5) include sufficient information upon which to base decisions.

Access to this procedure is at the employee's option and does not create any expectation of continued employment, but provides an avenue of review and resolution of internal situations.

Definitions

1. Employee – an individual who is a non-probationary, full-time employee of the agency who occupies a regular position and who works a minimum of 1,000 hours per year. This policy will not apply to employees who hold administrative posts, appointed positions, and employees who are on initial new hire probationary status. Part-time, temporary, intermittent, and extra help employees do not have access to this procedure.

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In DFA, the employees occupying the following positions do not have access to these procedures:

1) DFA Director, 2) DFA Deputy Director, 3) DFA Revenue Assistant Commissioner, 4) Alcoholic Beverage Control Enforcement Director, 5) Alcoholic Beverage Control Administration Director, 6) Racing Commission Manager, 7) Criminal Detention Facilities Review Coordinator, 8) DFA Administrators Managers, 9) Attorney Supervisors, 10) Attorney Specialists, 11) Attorneys, 12) and anyone occupying an unclassified position.

2. Grievance – a complaint by an employee regarding an aspect of his or her employment, including, but not limited to:

annual leave	sick leave	compensatory time
dismissal	suspension	promotion
demotion	disciplinary actions	discrimination

or any other work-related problem except compensation and conditions which are beyond the control of agency management or are mandated by law.

Complaints about performance evaluations may be appealed utilizing the separate performance evaluation appeals process. Complaints concerning performance evaluation will not be reviewed by the State Grievance Review Committee, the State Employee Grievance Appeal Panel, or through ADR.

Reduction-in-force (RIF) appeals will be processed through a separate appeals procedure. The ADR mediator, the State Grievance Review Committee and/or the State Employee Grievance Appeal Panel will not hear complaints concerning reduction-in-force.

Non-selection for promotion or lateral transfer will not be heard by the State Grievance Review Committee or the State Employee Grievance Appeal Panel, unless discrimination is the basis of the complaint. Non-selection may be heard, internally, through mediation or the grievance procedure.

3. Alternative Dispute Resolution (ADR) or Mediation – a process that allows parties to constructively manage conflicts through collaborative problem solving and joint decision making, through utilization of a third party neutral (mediator).

Procedure

All grievances, complaints, steps in the procedure, and any appeal steps will be processed through the agency grievance officer and should be handled in accordance with the following procedures:

NOTE: Participation in any portion of this procedure is voluntary. This includes both the ADR component and the grievance procedure component. If ADR is the process selected by the employee to attempt resolution of the dispute, the employee will not have access to the grievance procedure. If the employee elects to utilize the grievance procedure, the employee will not have access to mediation (ADR). Regardless of the issue, the employee will not have access to the State Grievance Review Committee or the State Employee Grievance Appeal Panel if ADR is the chosen resolution process.

Should any person within the Department intentionally interfere with, hinder, block, or otherwise impede the processing of a grievance, that employee will be subject to disciplinary action. Also, if any employee or supervisor willfully fails to meet any of the deadlines set forth within this procedure in an attempt to delay the resolution or disposition of a grievance, the employee or supervisor will be deemed to have forfeited any participation which he/she might otherwise have under this procedure. Additionally, if an employee is determined to have filed frivolous grievances or complaints, the employee will be subject to disciplinary action.

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To initiate the grievance or ADR process, the employee must submit the complaint or grievance in writing to the agency grievance officer within five working days of the occurrence of the incident.

This process, however, does not prohibit employees from using remedies outside these procedures. Each employee retains the right to file a complaint with the Equal Employment Opportunity Commission or pursue other legal remedies.

Documentation

It will be the responsibility of the grievance officer to maintain the official file of the grievance or complaint, the procedures followed, and the ultimate disposition, along with copies of all documentary evidence. In addition, when an employee begins the formal grievance procedures or ADR at any step, it will be the responsibility of the grievance officer to immediately document the name of the employee and of his/her immediate supervisor, the employing unit, the name of the grievance officer, a statement of the nature of the grievance, the chosen method of resolution, and the date formal proceedings began. All documentation relating to an employee grievance will be maintained in the department's Human Resources Office, separate from the employee's personnel file. No information relating to the grievance will become a part of any employee's permanent personnel record. However, these records will be maintained in hard copy for five years, and maintained permanently in a manner that complies with applicable state and federal laws regarding retention of such records.

The DFA Grievance Officer may be contacted at the following address/phone number:

DFA EEO/Grievance Officer

1515 Bldg., Room 101
1515 West 7th Street
Little Rock, AR 72203

Or

P.O. Box 2485
Little Rock, AR 72201

Phone number 501-371-6036
Fax number 501-371-6014